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TAGS: PGOV PHUM PREL SOCI AG

SUBJECT: HUMAN RIGHTS LAWYERS AND GOA DISCUSS LEGAL ISSUES

REF: ALGIERS 795

Classified By: DCM Thomas F. Daughton; reasons 1.4 (b, d)

¶1. (C) SUMMARY. In separate meetings with DRL DAS Erica Barks-Ruggles, four prominent human rights lawyers and Messaoud Boufercha, Secretary General of the Ministry of Justice (MOJ), discussed legal issues and opportunities for increased bilateral cooperation. Lawyers, who were coincidentally in the midst of a nationwide strike, criticized the current state-of-play of Algeria's legal system and suggested ways for the USG to assist. Boufercha insisted that MOJ responded favorably to all requests from the lawyers, despite lawyers' claims to the contrary. He also welcomed increased USG assistance to improve Algeria's judicial system. END SUMMARY.

THE VIEW FROM THE LAWYERS

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¶2. (C) At a June 9 dinner, prominent human rights lawyers Mohamed Tahri, Fatma Benbrahim, Mostefa Bouchachi and Khaled Bourayou discussed ways to improve the Algerian legal system with DAS Barks-Ruggles. They focused on three main issues: judicial independence, training and reliable evidence. Bouchachi explained that the nationwide lawyers' strike was a reaction to the negative symbiotic relationship between the judicial and executive branches in Algeria. Underscoring his point, he added that the ministries of Defense and Interior exerted undue influence over the judges, including through general Executive Orders for handling certain types of cases.

¶3. (C) Because of this lack of judicial independence, Bouchachi did not support additional USG investment in magistrates. He advocated instead that young lawyers be given the opportunity to travel to the United States and learn about the American justice system. Bouchachi noted he was not calling for an overhaul of Algeria's French-based legal system, but was pushing for enlarging the country's legal space to improve the quality of the next generation of Algeria's lawyers. Bourayou added that the USG should expand its contacts outside of Algiers, citing in particular the Oran Bar Association. Tahri raised the importance a code of conduct for judges and asked for assistance in his pursuit of legal reforms, including strengthened regulations allowing defense lawyers full access to their clients and any evidence against them, starting at the time of arrest.

¶4. (C) Addressing ongoing problems associated with the integrity of evidence in cases, Bourayou said improved technology could aid prosecutors and police in establishing solid cases while aiding defense lawyers in their defense, thereby strengthening the overall legal system. He raised the need for accurate evidence gathering and processing, specifically through DNA-testing, noting that many cases

could be better dealt with through DNA testing if the means and funds were available.

THE VIEW FROM THE JUSTICE MINISTRY

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¶ 15. (C) On June 10, MOJ Secretary General Messaoud Boufercha stated that he supported an expansion of the bilateral legal relationship between Algeria and the United States. Algeria wanted a bilateral agreement with the U.S. to facilitate legal cooperation, and was interested in discussing the possibilities with the U.S. Boufercha also welcomed USG assistance that might include training judges who work outside major metropolitan centers.

¶ 16. (C) When asked why lawyers were engaging in a one-day nationwide strike on June 10 (reftel), Boufercha huffed "Ask them!" He categorically rejected assertions made by lawyers that they experienced difficulties working with the MOJ and the Algerian legal system. "Whatever they ask," he said, "we give it to them." He added that the MOJ was starting a ministry-funded training program for lawyers, and insisted that Algeria's judges were "absolutely independent."

COMMENT

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¶ 17. (C) The relationship between lawyers and the government is becoming increasingly tense, with the June 10 one-day lawyers' strike underscoring the tension. Despite repeated engagement from DAS Barks-Ruggles, Boufercha did not articulate a vision for the future of U.S.-Algerian legal cooperation. What should have been a substantive meeting was a courtesy call that began with a lengthy diatribe against striking lawyers. The lawyers, in stark contrast, were clearly prepared to offer concrete suggestions on how to move the country's legal system forward and how to advance U.S.-Algeria legal cooperation.

¶ 18. (U) This cable has been cleared by DAS Barks-Ruggles.

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